

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

EMA ELECTROMECHANICS, INC.,)
)
Plaintiff,)
) Civil No. 6:21-cv-01001-ADA
v.)
) **JURY TRIAL DEMANDED**
SIEMENS CORPORATION, and)
SIEMENS INDUSTRY, INC.,)
)
Defendants.)

**JOINT MOTION FOR THE COURT TO ACCEPT CLAIM CONSTRUCTION
BRIEFING FROM PRIOR, RELATED CASE AND
SCHEDULE A MARKMAN HEARING**

Plaintiff EMA Electromechanics, Inc. (“EMA”) and Defendants Siemens Corporation and Siemens Industry, Inc. (collectively, “Siemens”) respectfully move the Court to accept in this case the parties’ completed claim construction briefing from a prior, related case and schedule a *Markman* hearing.

EMA filed a first action in this Court against Defendants Siemens for infringement of U.S. Patent No. 7,724,489 (“the ‘489 Patent”) on March 4, 2021.¹ In the first action, EMA and Siemens exchanged preliminary infringement contentions and preliminary invalidity contentions, completed all claim construction and technology tutorial exchanges, and fully briefed all claim construction issues. The parties’ claim construction briefs from the first action are attached hereto as Exhibits 1–4. The parties’ joint claim construction statement from the first action is attached hereto as Exhibit 5.

¹ Complaint, *EMA Electromechanics, Inc. v. Siemens Corp., et al.*, No. 6:21-cv-00206-ADA (W.D. Tex. Mar. 4, 2021), ECF No. 1.

On December 13, 2021, the Court dismissed the first action without prejudice.²

Because the asserted patent, the asserted claims, and the claim construction issues are the same in the present case as they were in the first action, EMA and Siemens ask the Court to accept their completed claim construction briefing from the earlier case as the claim construction briefing in this case. And, because the claim construction briefing is complete, EMA and Siemens ask the Court to schedule a *Markman* hearing in this case at the Court's earliest convenience. Subject to the Court's availability, the parties propose to have a *Markman* hearing on or about February 11, 2022.

² Memorandum Opinion and Order Granting-in-Part and Denying-in-Part Defendants' Motion to Dismiss [ECF No. 14], *EMA Electromechanics, Inc. v. Siemens Corp., et al.*, No. 6:21-cv-00206-ADA (W.D. Tex. Dec. 13, 2021), ECF No. 65 (public version filed on December 20, 2021 as ECF No. 66).

Dated: January 13, 2022

/s/ Tyler T. VanHoutan (w/ Permission)

Tyler T. VanHoutan
Texas Bar No. 24033290
Eric S. Schlichter
Texas Bar No. 24007994
McGuireWoods LLP
600 Travis St., Suite 7500
Houston, TX 77002
Tel: (713) 571-9191
Fax: (713) 571-9652
tvanhoutan@mcguirewoods.com
eschlichter@mcguirewoods.com

Matthew W. Cornelia
TX State Bar No. 24097534
McGuireWoods LLP
2000 McKinney Avenue, Suite 1400
Dallas, TX 75201
Tel: (214) 932-6400
Fax: (214) 932-6499
mcornelia@mcguirewoods.com

Counsel for Defendants
Siemens Corporation and Siemens Industry,
Inc.

Respectfully submitted,

/s/ Michael D. Karson

James G. Ruiz
State Bar No. 17385860
Andrew J. Schumacher
State Bar No. 24051310
WINSTEAD PC
401 Congress Avenue, Suite 2100
Austin, Texas 78701
Tel.: 512.370.2800
Fax: 512.370.2850
Email: jruiz@winstead.com
aschumacher@winstead.com

Tom Van Arsdel
State Bar No. 24008196
WINSTEAD PC
600 Travis Street, Suite 5200
Houston, Texas 77002
Tel.: 713.650.2728
Fax: 713.650.2400
Email: tvanarsdel@winstead.com

Michael D. Karson
State Bar No. 24090198
WINSTEAD PC
2728 N. Harwood Street
Suite 500
Dallas, Texas 75201
Tel.: 214.745.5400
Fax: 214.745.5390
Email: mkarson@winstead.com

Attorneys for Plaintiff EMA
Electromechanics, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on January 13, 2022, I electronically submitted the foregoing document with the clerk of the United States District Court for the Western District of Texas, using the electronic case management CM/ECF system of the Court which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Michael D. Karson

Michael D. Karson